

The Board of Directors of the English Association of Snooker & Billiards Ltd ("the Association"), acting pursuant to the powers conferred upon it by Section 17 of the Articles of Association, has on 14th May 2007 adopted the following disciplinary rules (the "Disciplinary Rules"):

**1 Definitions**

In these Disciplinary Rules, the following phrases shall, unless otherwise stated, have the following meanings:

"Appeals Committee" has the meaning set out in Section 8;

"Board" means the board of directors of the Association;

"Company Secretary" means the company secretary or the assistant company secretary of the Association or any other person duly authorised by the Board in their absence;

"Disciplinary Committee" means the disciplinary committee of the Association constituted in accordance with Section 4, or alternatively the "Appeals Committee," as appropriate.

"Member" means a Member, or Associate Member of the Association;

"Misconduct" has the meaning set out in Section 3;

"Suspension" means that the person suspended shall not be permitted to participate in any way in Association activities or events recognised or organised by the Association, including but not limited by way of playing, officiating, management, organisation, administration or promotion.

**2 Jurisdiction**

2.1 These Disciplinary Rules shall apply to all Members.

2.2 Subject to clause 2.5 below, the Board delegates the disciplinary powers conferred on it by Section 17 of the Articles of Association as follows:

- (a) the Board delegates the power to receive and act upon disciplinary matters to the Chairman of the Disciplinary Committee;
- (b) the Board delegates the power to hear and decide disciplinary matters to the Disciplinary Committee;
- (c) the Board delegates the power to determine appeals to the Appeals Committee.

2.3 The Association shall have jurisdiction to consider any matter falling within the scope of these Disciplinary Rules as to which a formal complaint is made to the Company Secretary by:

- (a) a Member;
- (b) a member of the Board;
- (c) a member of the Disciplinary Committee;
- (d) a sponsor of the Association;
- (e) a tournament referee or official; and/or
- (f) a member of the public.

2.4 In addition, the Association may investigate any other matter which comes to its attention (whether through media publicity or otherwise) which it considers may constitute Misconduct.

2.5 The Disciplinary Committee will normally consider a complaint made against a Member before it exercises the right to impose Suspension on the member concerned, but where a complaint is deemed to be of a serious, or potentially serious nature, a power to impose Suspension forthwith may be exercised by a Board Director as soon as the complaint is received. Any Member upon whom Suspension has been imposed in this manner may appeal in writing to the Company Secretary within 14 days of being informed of his suspension, setting out the grounds of the appeal, and the Company

Secretary shall make arrangements for the appeal to be considered on paper by a different Board Director.

- 2.6 All correspondence from members, on any matter concerning the disciplinary procedure, must be delivered to the Association's Registered Office within the appropriate timescales. The Association shall not be responsible for any delayed or lost communications within the postal system.

### **3 Misconduct**

- 3.1 The sanctions set out in Section 10, below, may be imposed on any Member who is found to have committed an act or acts of Misconduct.
- 3.2 For the purpose of these Disciplinary Rules, the following shall amount to "Misconduct":
- (a) a breach of the Association's constitution;
  - (b) a breach of the Association's Rules and Regulations, including (without limitation):
    - (i) the Rules of the Games of Snooker and Billiards;
    - (ii) the Rules relating to Tournaments;
    - (iii) the Child Protection Policy;
    - (iv) Codes of Practice issued pursuant to the Association's Rules and Regulations;
    - (v) the Anti-Doping Policy.
  - (c) actions which are considered to bring the Association into disrepute, either within or without competitions/functions arranged by the Association.
  - (d) a failure:
    - (i) to provide full or true information or evidence to the Disciplinary committee pursuant to these Disciplinary Rules; or
    - (ii) to respect, recognise, abide by and/or comply with any decision made hereunder.

### **4 The Disciplinary Committee**

- 4.1 A Disciplinary Committee shall be appointed by the Board. It shall consist of a Chairman who is a member of the Board and two other Members who may or may not also be members of the Board.
- 4.2 Subject to Section 4.3, where the Disciplinary Committee sits to hear a matter, the quorum shall be two.
- 4.3 The Disciplinary Committee may in its discretion delegate its powers to one of its members upon such terms as the Disciplinary Committee shall decide. In such circumstances the single member shall exercise all the powers of the Disciplinary Committee save that he may not expel a member from the Association, nor impose a fine exceeding £250 plus costs. The single member may refer any matter before him to the Disciplinary Committee if at any time he considers it more appropriate to be dealt with by the Disciplinary Committee. He may also refer a Member whom he has found guilty of Misconduct to the Disciplinary Committee for penalty if he considers the breach merits a penalty in excess of his power to impose and in that event, the Disciplinary Committee may impose such penalty as it thinks fit as is within its powers following consideration of a statement of the facts and breach found by the single member and any mitigation offered by the Member found guilty.
- 4.4 No member of the Disciplinary Committee may sit to consider a charge of Misconduct who has had prior involvement with the case (save that this shall not apply to the Chairman of the Disciplinary Committee in relation to any initial consideration or the matter under Section 6 or who has any material financial, familial or any other relevant interest in the outcome of the case. Any issue arising in relation to such involvement or interest shall be raised with the Chairman of the Disciplinary Committee as soon as possible by the Member himself or by any party to the proceedings, provided that a party's failure to raise the issue without delay may be deemed a waiver of any right to object on such grounds. The Chairman shall decide whether or not the involvement or

interest so notified requires the exclusion of that member from considering a particular complaint of Misconduct or from sitting on the Disciplinary Committee at all.

- 4.5 If a vacancy occurs on the Disciplinary Committee, the Chairman shall fill such vacancy pending the next meeting of the Board at which a new member of the Disciplinary Committee may be appointed. If by virtue of the operation of Section 4.3, above, there are not sufficient members of the Disciplinary Committee without an interest to constitute the quorum of two, the Chairman may co-opt a Member or any other person that the Chairman considers to be suitably qualified to sit upon the Disciplinary Committee. Any person so appointed must be free of any prior involvement or interest as described in Section 4.3, above.

## **5 Initial Procedure**

- 5.1 Where a complaint is made, or a matter otherwise comes to the attention of the Association, the Company Secretary shall first consider whether such complaint or other matter falls within the scope of the Disciplinary Rules. If it does, the Company Secretary shall write to the Member whose conduct is being impugned, seeking his views on the substance of the complaint or matter that has arisen. Every person to whom enquiries are made by the Company Secretary is under a duty to give full and truthful evidence in response and within a reasonable period of time.
- 5.2 Having received comments from the Member, or if such comments are not forthcoming within a reasonable period of time, the Chairman of the Disciplinary Committee shall then consider whether or not to charge the Member with Misconduct. Before reaching such a conclusion, the Chairman of the Disciplinary Committee shall be entitled to make all appropriate enquiries, and to seek such advice within the Association as he deems appropriate, and in an appropriate case to seek external expert advice, including external legal advice.
- 5.3 If the Chairman of the Disciplinary Committee shall be of the opinion that no further action should be taken in relation to the matter, he shall notify the Disciplinary Committee accordingly and the Disciplinary Committee shall meet as soon as possible to consider the matter. If the Disciplinary Committee shall agree that no further action should be taken, the Company Secretary shall notify the Member accordingly. If the Disciplinary Committee shall determine that the matter shall be dealt with, the Chairman of the Disciplinary Committee shall not be involved subsequently in the matter.
- 5.4 If the Chairman of the Disciplinary Committee shall so determine, the matter shall be dealt with by the Disciplinary Committee in accordance with these Rules.

## **6 Disciplinary Procedure**

- 6.1 If the Chairman of the Disciplinary Committee shall decide that the Member shall be charged with misconduct, the Company Secretary shall write to the Member concerned specifying the charge(s) and requesting his account of the alleged misconduct.
- 6.2 The Member shall have 21 days to answer the charge. Once the 21 day period to reply to the charge has expired, the Company Secretary shall liaise with the Disciplinary Committee to schedule a date for the hearing. At least 14 days prior to the hearing, the Company Secretary shall give the Member notice of (a) the date, place and time of the hearing; and (b) the composition of the Disciplinary Committee. Any objection to the composition of the Disciplinary Committee on the grounds set out at Section 4.4 or otherwise, must be made as soon as possible and without any unnecessary delay. Failure to comply with this requirement may result in a waiver of the objection and/or liability for costs of adjournment or otherwise.
- 6.3 At least 14 days before the date of the hearing, the Company Secretary shall provide the Member with details of the evidence that the Company Secretary is intending to submit to support the charge. The Company Secretary will also request details of any evidence that the Member wishes to submit to the Disciplinary Committee. If such evidence is not furnished to the Company Secretary in a timely fashion, he may request that the hearing be adjourned upon such terms (including costs) as the Disciplinary Committee shall determine.

- 6.4 In exercising their functions under these rules, the Disciplinary Committee shall have broad discretion to regulate their own procedure. Without prejudice to the generality of this power, the Disciplinary Committee may:
- (a) order the parties to attend a case management hearing in advance of the substantive hearing where matters of evidence and procedure may be decided;
  - (b) extend or vary any time limit set out in these Disciplinary Rules;
  - (c) adjourn the proceedings, whether prior to a scheduled hearing date or during the hearing, to allow time for the submission of further evidence or for any other reason;
  - (d) order a party to pay the costs of any case management or other interim or adjourned hearing;
  - (e) ask questions directly of any party or witness;
  - (f) exclude evidence on grounds of inadmissibility, lack of relevance or failure to comply with directions;
  - (g) make appropriate directions (whether in advance of the hearing or at the start or during the hearing) with respect to the conduct of proceedings; and
  - (h) require that any party or other person subject to the disciplinary jurisdiction of the Association disclose documents or other material relevant to the case to another party.

## **7 Hearings**

- 7.1 Every person giving evidence before the Disciplinary Committee is under a duty to give full and truthful evidence.
- 7.2 Any Member appearing before the Disciplinary Committee shall have the right to be represented by legal counsel of his choice, or may be accompanied by a person who may speak on his behalf. All references to the actions of the Member in these Disciplinary Rules shall be taken as including actions taken on his behalf by any person so authorised by him under this Section.
- 7.3 The Disciplinary Committee shall not be obliged to follow the strict rules of evidence. It may admit such evidence as it thinks fit and accord such evidence such weight as it thinks appropriate in all the circumstances. Where the subject matter of a complaint or matter before the Disciplinary Committee has been the subject of previous criminal proceedings, the result of such criminal proceedings and the facts and matters upon which such result is based shall be presumed to be correct and the facts presumed to be true unless it is shown, by clear and convincing evidence, that this is not the case.
- 7.4 Having considered all the evidence tendered to it, and having allowed the Member sufficient opportunity to make submissions on relevant matters, the Disciplinary Committee shall retire to consider its decision.
- 7.5 In reaching its decision there is no requirement that the Disciplinary Committee be unanimous. It is sufficient if a majority favour a particular conclusion. No minority opinion or dissenting judgment shall be produced and no indication shall be given by the Disciplinary Committee, to any party that its decision was other than unanimous.
- 7.6 Having reached its final decision, the Disciplinary Committee shall communicate that decision either at the time of the hearing or as soon as possible thereafter in writing to the Member.
- 7.7 Subject to the rights of appeal set out in Section 8 below, a decision of the Disciplinary Committee shall be deemed to be a decision of the Association and shall be final and binding on all.

## **8 Appeals**

- 8.1 Every Member found by the Disciplinary Committee to be guilty of Misconduct shall have the right to appeal in accordance with this Section.
- 8.2 An appeal further to Section 9.1 shall be referred to a body to be known as the Appeals Committee. The Appeals Committee for each individual case shall consist of three

- members. The members shall selected by the Board of Directors from a list prepared by them for this purpose.
- 8.3 The Appeals Committee shall be constituted as an arbitration panel and these Disciplinary Rules shall constitute an agreement in writing with for the purposes of Section 5 of the Arbitration Act 1996.
- 8.4 No one may sit on an Appeals Committee hearing a particular case who has any prior involvement with the case or has any material financial, familial or other relevant interest in the outcome of the case. Any person who is asked to sit and who may have grounds for thinking that such involvement or interest may exist shall notify the Board of Directors at the first available opportunity. Alternatively, any party to the appeal proceedings may raise the issue, provided that a failure to raise the issue as soon as reasonably practicable may be deemed a waiver of any right to object on such grounds. The Board of Directors shall decide whether or not the involvement or interest identified require the exclusion of that person from the Appeals Committee, in which case the individual(s) will be replaced with someone else from the list.
- 8.5 A Member shall have 14 days to submit a notice of appeal from the date the relevant written decision is sent to the Member. The notice of appeal shall be sent, along with copies of all relevant documents, to the Company Secretary so as to be received within the 28 day deadline. The notice shall set out the specific aspect(s) of the decision which is/are being challenged on appeal and the grounds upon which the appeal is made. The notice of appeal must be accompanied by a deposit in the amount of £100, as security for the costs of the appeal.
- 8.6 Failure to comply in full with the requirements of Section 8.5 shall, in the absence of good cause shown, be grounds for summary dismissal of the appeal by the Appeals Committee. Dismissal may be ordered on the application of either party or by the Appeals Committee of its own initiative with or without a hearing in person.
- 8.7 As soon as possible following receipt of the notice of appeal, the Board of Directors shall convene an Appeals Committee and shall advise the parties of the composition of the Appeals Committee and of the date, time and venue of the hearing of the appeal.
- 8.8 The Appeals Committee shall have broad discretion to regulate its own procedure.
- 8.9 The Appeals Committee will consider all of the documents and evidence submitted to the Disciplinary Committee in the proceedings below and may require the attendance of any witnesses heard by the Disciplinary Committee. The Appeals Committee shall have absolute discretion to admit or refuse any new evidence tendered by any party and also to adjourn the proceedings for the purpose of taking any new evidence if it comes to light.
- 8.10 Having considered all of the evidence tendered to it, and having allowed the parties to the appeal sufficient opportunity to make submissions on all relevant matters, the Appeals Committee will retire to consider its decision.
- 8.11 A decision of the Appeals Committee
- (a) may be unanimous or a majority decision;
  - (b) is final; and
  - (c) shall be deemed to be a decision of the Association and be binding on all Members.
- 8.12 In its decision, the Appeals Committee shall include a direction as to the treatment of the deposit made further to Section 8.5, above.

## **9 Sanctions**

- 9.1 If a charge of Misconduct is found to have been proved, the Disciplinary Committee may impose upon the Member one or more of the following sanctions:
- (a) temporary Suspension for a period fixed in time or by reference to particular events;
  - (b) permanent Suspension (with or without the possibility of reinstatement, which may be conditional);
  - (c) expulsion, suspension or exclusion from standing for, or holding, any office or employment within the Association either for a temporary period or permanently;

- (d) a fine;
  - (e) the withholding of all or a proportion or any prize money earned from an event or tournament;
  - (f) a reprimand or censure in respect of conduct;
  - (g) the removal of ranking points;
  - (h) a suspended sanction (being a sanction which is only invoked in the event that the Defendant is found to have committed another act of Misconduct within a stated time of the date of the decision);
  - (i) the removal of a licence either on a temporary basis or permanently; and/or
  - (j) such other sanction(s) as the Disciplinary Committee shall see fit in all of the circumstances of the case.
- 9.2 Where the Committee imposes any period of Suspension, that period shall run from the date of the written decision, even if a Notice of Appeal is submitted.
- 9.3 In appropriate cases, the Disciplinary Committee may recommend that a complete dossier of the evidence submitted in the course of the proceedings be prepared and sent by the Company Secretary to the criminal authorities, with a view to an investigation being undertaken by such authorities to establish whether a criminal offence has been committed.

## **10 Waiver of Minor Procedural Irregularities**

- 10.1 Without prejudice to the right of the Disciplinary Committee to regulate their own procedure, where at any time in the course of any disciplinary proceedings carried out under these Disciplinary Rules there has been a breach of procedure or failure to follow any direction given, this shall not invalidate the proceedings unless such breaches have been such as to seriously and irremediably prejudice the position of the Defendant.

## **11 Costs**

- 11.1 The Disciplinary Committee may order one or other party to bear all or some of the costs of the proceedings held before it, including the costs of convening and holding the proceedings and the other party's costs. The general principle shall be that costs should follow the event, except where it appears that in the circumstances of any particular case this is not appropriate in relation to the whole or part of the costs so incurred.

## **12 Confidentiality**

- 12.1 Save where the Disciplinary Committee orders otherwise, all disciplinary proceedings in accordance with these Disciplinary Rules shall take place in private and the public and the press shall have no right of access to the room where the hearing is taking place.
- 12.2 The Disciplinary Committee shall not issue any press statement or conduct any press conferences. All media announcements in relation to any decision of the Disciplinary Committee or the Appeals Committee shall be made or approved by the EASB Board of Directors.

## **13 Governing Law and Jurisdiction**

- 13.1 These Disciplinary Rules shall be governed by and construed in accordance with English law, without regard to its conflict of law rules.
- 13.2 Subject strictly to the internal dispute resolution mechanisms provided for in these Disciplinary Rules, the courts of England and Wales shall have exclusive jurisdiction over any challenges to proceedings had or decisions made hereunder.